

### REMARKS

Applicant respectfully requests the Examiner to enter the claim amendments, reconsider the objections and rejections, and pass this case onto allowance.

Applicant has considered the formality rejection to claims 1-6. The Examiner has deemed the claim expression "formed in one piece together" to be vague and indefinite. As the Board of Appeals said in Ex parte Wu, 10 USPQ2d (BNA) 2031, 2033 (BOPI 1989),

"[i]n rejecting a claim under the second paragraph of 35 USC 112, it is incumbent on the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims.

In re Moore, 169 USPQ (BNA) 236 (CCPA 1971); In re Hammack, 166 USPQ (BNA) 204 (CCPA 1970)."

Here in this case, the expression "formed in one piece together" has basis in the specification as originally filed. Applicant respectfully invites the Examiner's careful attention to page 6, lines 12-17 and page 20, line 8 to page 22, line 19. Applicant respectfully submits that it would be clear to a person skilled in the art what "formed in one piece together" means, *e.g.* that the skin, substrate and projection could be formed in one molding to obtain a single unitary object. Nonetheless, in an effort to advance the prosecution, claim 1 has been amended to refer to the projection being welded at the bottom of the substrate or being formed integrally with the substrate from the same material as that of the substrate. It will be appreciated by those skilled in the art that although different words are now used in the amended claim, the effective claim scope has not been limited. Applicant therefore respectfully, but earnestly, requests that the objection be withdrawn.

New claims 7 and 8 find basis throughout the original specification, including the original claims. It is thought that the claims avoid new matter.

The Examiner rejected claims 1-4 and 6 as anticipated under 35 U.S.C. §102(b) over the Labrie reference, U.S. Patent No. 4,892,770. The Examiner opines that the claimed inventions are somehow inherent in the cited prior art.

First, the Labrie reference does not describe nor would it have suggested a thermoplastic resin foamed molding in which a projection is formed on a substrate comprised of a foam layer and a skin layer, wherein both layers are of the same material, so that an R/L ratio may fall within the range of from 3 to 50. It has not been shown where the reference necessarily, inevitably discloses an R/L ratio may fall within the range of from 3 to 50. Besides, even a probability, which is not conceded, is not enough for rotely alleging inherency. It is respectfully suggested that the inherency rejection lacks the required factual foundation.

Second, the Labrie reference neither describes nor would it have taught a thermoplastic resin foam molding in which the projection is formed from the same material as a substrate. Instead, the Labrie reference only discloses a product in which a projection might be formed as part of a mold insert, which is different than a foam substrate. Indeed, the Labrie reference merely refers to a vehicle interior trim component comprised of an outer shell (12) and a mold insert (16) with a projection (34, 54), both defining together a cavity inside, and a foam material filling the cavity. The Examiner will note this from the Labrie reference claim 1 as well the Labrie reference Fig. 4. In the Labrie process, a mold insert 16 and an outer shell 12 are first placed in a mold to form a cavity and then second a foam material is introduced into the cavity, as will be seen from Figures 1-3. As evident from this process, the Labrie reference merely refers to a component comprising a molded insert with a projection and a foam material, but the molded insert and the foam are made of different materials.

In the absence of any expressed disclosure or teachings in the Labrie reference that would have motivated, taught, led and directed a person of ordinary skill in the art to the claimed inventions, the rejection should be withdrawn. Otherwise, Applicant respectfully but earnestly requests the Examiner to supply an Affidavit or Examiner's Declaration.

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Reply to Office Action of March 31, 2003

Claim 5 under 35 U.S.C. §103 over the Labrie reference when taken in view of EP 0925895 to Masubuchi et al.

Applicant respectfully requests this rejection be reconsidered and withdrawn.

As Applicant has submitted above, the Labrie reference does not disclose nor would it have taught a thermoplastic resin foamed molding in which a projection is formed on a substrate made up of a foam layer and a skin layer, both layers being of the same material, so that the R/L ratio may fall within a range 3 to 50.

Therefore, *arguendo*, even if Masubuchi et al. would have taught a propylene-based resin whose Izod impact value at 23°C is 10 KJ/m<sup>2</sup> or more, which is not necessarily conceded, the combination of the cited documents would still not have suggested a thermoplastic molding in which a projection is formed on a substrate made up of a foam layer and a skin layer, both layers being of the same material, so that the R/L ratio may fall within the range recited in claim 1.

Applicant requests that the application receive a Notice of Allowance.

Respectfully submitted,

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